

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10027-PBS
)	
MATTHEW VICKERS)	

DEFENDANT'S MOTION TO SUPPRESS (SEARCH AND SEIZURE)

Defendant, Matthew Vickers, respectfully moves that this Court suppress from evidence drugs, and any other items allegedly observed or seized during warrantless searches and seizures of him on May 14, 2001 and October 19, 2003. As grounds for this motion, defendant states that the evidence was obtained in violation of his rights under the Fourth Amendment to the Constitution.

Defendant further states:

1. Police did not have a warrant to detain or arrest the defendant.
2. Police lacked probable cause or reasonable suspicion to justify detaining and arresting the defendant.
3. The police had no justification for questioning the defendant.
4. The drugs found were not in plain view but rather were seized from him during detentions and searches that resulted from the illegal police activities.
5. The defendant did not consent to the stops, questioning, searches, or detentions.

6. The actions of the police exceeded the permissible scope of a Terry stop.

Since the detentions, seizures, questioning and searches at issue were not supported by a warrant, the government has the burden of showing that the challenged police conduct was lawful.

REQUEST FOR EVIDENTIARY HEARING

Defendant requests an evidentiary hearing on this motion. Defendant also reserves the right to amend this motion, file additional affidavits, and file a reply memorandum in response to the arguments advanced by the government, which bears the burden of justifying the warrantless seizure, questioning, and detention.

MATTHEW VICKERS,
By His Attorney:

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